

## PRIVILEGED POWER.

- "In law, what plea so tainted and corrupt,
- "But, being season'd with a gracious voice,
- "Obscures the show of evil.
- "What damped error but some "traitor" brow
- "Will bless it and approve it with a text [1]"
- "Twill be recorded for a precedent,
- "And many an error by the same example
- "Will rush into the state."

*Merchant of Venice.*

The cases of Robert Randall and John Anderson, although differing in many features as respects the conduct of the house of representatives, are, nevertheless, so far similar, as each of them to have been a violation of the constitution, by a body which possessing only a legislative power, granted to them by the charter, except as regards their own members, can usurp a judicial authority and constitute themselves into a court.

We shall examine the features of the case of Randall, or rather the conduct of the house as regards it, comparing it with that of Anderson, and we do this to show that Congress have no fixed rules of acting—neither in their manner of trial, nor form of proceeding. In both cases it may be allowed they resembled the Lilliputians who, having taken the trouble to pin down Gulliver, had the trouble of unpinning him.

In the case of R. Randall, which occurred December 28th 1795. On that day, on information given by several of the members, not upon oath, the house came to a resolution, &c. and a warrant issued by Mr. Speaker to take into custody, &c.

January 4, 1796, the members giving the information were sworn to their several declarations.

January 6, sentenced to a reprimand, and committed to the custody of the sergeant at arms, until the further order of the house.

January 13, upon resolution (after prayer of prisoners) discharged from the custody of the sergeant at arms, upon the payment of fees.

"Five members of the house were his accusers and judges; four of those voted him guilty, the fifth voted with the minority. Whether as not conceiving him guilty, or as not conceiving the house a proper tribunal to condemn him (both questions being blended in the resolution) does not appear."

The conduct of the house in the case of Anderson was similar in the first proceeding; but in the second it differed. Although Randall was arrested not upon oath; yet the accusing members were sworn to their several declarations before the house proceeded to try him. In this instance

it shows that what the house may consider but an act of justice to day, and which all courts of law demand when a person is tried, may, by their prerogative be held as nugatory, and that the bare word of a member of that body is as good as the oath of a common citizen.

One would naturally suppose if the constitution gave to these representatives of the people certain privileges, that it would also give them certain forms and rules to carry those privileges into effect; but in the two cases before us it seems that they essentially differed in their manner of proceeding; and if it be admitted that they were right in each instance, they might on another occasion adopt an other mode widely different—they might even execute first and try after.

Let us take up the constitution and look at what it says of the privileges of the house of representatives. They are marked as follows:

1. To chuse their own speaker and officers.
2. To originate all bills for raising a revenue.
3. To have the sole power of impeachment.

These are their *distinct* privileges; the two houses have privileges in common—such as being privileged from arrest, &c.

Their privileges, therefore, are enumerated, and according to Bacon, who, perhaps, may be considered good authority, even by the lawyers of that honorable house—

"As exception strengthens the force of law in cases not excepted, so enumeration weakens it in cases not enumerated."

The privilege of the house to arrest a citizen by warrant, not supported by oath, it will not be contended is to be found among the *enumerated* privileges; but in fact the arresting a citizen by a warrant, unsupported by an oath, is to be found among the exceptions to the exercise of power.—Upon what principle of argument can this privilege be defended?

But after having arrested the person, whether constitutionally or unconstitutionally, how is he to be tried or punished? It is among the cases enumerated by the constitution, that any one accused of being guilty of a crime shall be tried by due process of law—"due process of law," as described by sir Edward Coke, "is by indictment or presentment, when such deeds be done in due manner, or by writ original of common law," and according to St. George Tucker—

"Due process of law must then be had before a judicial court, or a judicial magistrate. The judicial power of the United States is vested in one supreme court, and such inferior tribunals as Con-

gress may establish, and extends to all cases in law or equity, arising under the constitution

"All the powers granted by the constitution are either legislative and executive, or judicial.—To keep them separate and distinct, except in cases particularly enumerated, has been uniformly the policy, and constitutes one of the fundamental principles of the American government."

If the privileges assumed by congress and *not allowed by the constitution*, extend so far as to put aside all regular and defined process, all rules and regulations of courts, and are also of that excentric property as to try a prisoner one day in one manner and another day in another—then they are predominant, almighty and undefinable. The law of the land, the charter under which all other bodies act, which grants them one power and limits them in another is, as regards the representatives of the sovereign people, a mere blank. It might as well never have been penned. It has no bearing, no weight as regards their decisions. Is it possible this Congress so construe it, or is it possible that the people will submit to such a construction? We here are led to refer to a case recorded by Junius, and which, although differing from that of colonel Anderson, or Robert Randall, as regards the offence, was by the parliament of England considered as a contempt of their privileges and attempted to be punished accordingly; but which, even under the broad latitude embraced by that parliament, ended in their discomfiture. We shall cite the case and some of the arguments of that immortal writer. Its analogy as regards *principle and privilege* cannot fail of striking our readers; and we are happy in being able to produce such testimony as the writings of this great man in support of the ground we have taken: viz. that of the *liberties* of the people in opposition to the privileges of parliament or of Congress.

We are unavoidably under the necessity of deferring the extracts from Junius and their bearing upon the present case until our next number. Our present view of the case being wholly distinct from what relates to John Anderson, and only as it relates to the usurped privileges of the house of representatives.

#### LETTER FROM THE SECRETARY OF THE TREASURY.

Transmitting a Report of such measures as may be necessary for the more effectual execution of the laws for the collection of the duties on *Imported Goods, Wares and Merchandize*, prepared in obedience to a Resolution of the House of Representatives, of the 28th of February, 1817.

JANUARY 20, 1818.

*Read and referred to the Committee of Ways and Means.*

In obedience to the resolution of the House of

Representatives of the 28th of February, 1817, directing the Secretary of the Treasury to report to Congress at their next session, "such measures as may be necessary for the more effectual execution of the laws for the collection of the duties on imported goods, wares and merchandize," I have the honor to REPORT:

That shortly after the close of the last session of Congress, measures were adopted as well for the detection of the frauds, which might be committed upon the revenue, as for ascertaining the defects of the collection laws.

The collectors of the customs, under an express injunction\* to inform the department of every attempt to evade the provisions of the existing laws which should be discovered, accompanied by suggestions of the remedy best calculated to redress the evil, made no communication whatever upon the subject. Considering that this experiment was made without previous notice to those concerned in importations, and for more than six months of the most active commerce in our ports, the tacit evidence of the collectors, that frauds are not committed to any considerable extent, and that the provisions of the collection laws are not materially defective, appears to be well calculated to command respect.

Notwithstanding the result of this experiment, there is just reason to believe that frauds to a considerable extent have been, and now are, committed upon the revenue, in the importation of articles upon consignment, paying *ad valorem* duties.

The practice of shipping merchandize from Europe to the United States on account of the foreign shipper has greatly increased since the late peace. The immediate cause of this increase may be probably found in the general distress which at, and since that epoch pervaded universally the manufacturing establishments, from whence our supply of foreign merchandize has been principally derived. The manufacturers, unable to dispose of the products of their labor in their accustomed markets, assumed the character of exporting merchants, and shipped their merchandize directly to the United States, where it has been sold by their agents or consignees. In adopting this course, not only the fair profit of the manufacturer and exporting merchant is concentrated in the hands of the latter, but also the loss which the revenue sustains by invoicing the merchandize at the actual cost of the raw material, and the price of the labor employed in its manufacture. Should any part of this profit not be realized, from the circumstance of the merchandize being sold in a glutted market, or from any other cause, the articles reach the hands of the consumer at a rate lower than it could be sold by the fair American importer. In either event, the honest American merchant is driven from the competition, and in the latter, the domestic manufacturer is deprived of the protection which was intended to be secured by the legislature.—But, independent of this evasion of the revenue laws, which, by those who practice it, may be deemed consistent with the principles of morality a practice of a less equivocal character is known to exist in importations, made by foreign merchants upon consignment. There is abundant reason to believe, that it is now customary in impor-

\*See the Treasury circular of the 7th May, 1817, hereto annexed.

tators of this nature, to send with the merchandize, an invoice considerably below the actual cost, by which the entry is made and the duties secured. Another invoice at, or above the natural cost, is forwarded to a different person, with instructions to take and sell the goods by such invoice.

In this manner the person who enters the goods remains ignorant of the fraud to which he has been innocently made a party, and the fraudulent importer escapes with impunity. The facility with which frauds may be practised by permitting entries to be made by persons who know nothing of the correctness of the invoices by which the duties are to be ascertained, so strongly invites to the substitution of false, for true invoices, that the practice must necessarily become universal, if suitable checks are not devised against it. It is also ascertained that resident merchants have in some instances connected themselves with foreign mercantile houses, which are in the habit of purchasing cloths of every description in their native state of manufacture, which are in their hands brought to the highest state of perfection, by dying, dressing, or bleaching, according to the kind of cloth purchased—Such articles are invoiced at the price given for them in their unfinished state of manufacture, and upon those invoices the duties are estimated. Connections of this kind will necessarily increase, and eventually embrace the whole catalogue of articles paying ad valorem duties, unless checks calculated to repress the evil are promptly devised and applied.

The practice of entering goods without invoice is another mode now frequently resorted to for the purpose of evading the payment of the duties which are legally demandable upon them. In these cases, and in indeed all cases where the collector shall suspect that the invoices are fraudulent, the resort to appraisement authorized by law is generally found to be in favor of the importer, and against the government. This may in some measure be attributable to the defect of the existing provisions upon that subject, but the universal experience of every department of the government proves the danger there is of submitting any question to the decision of persons acting as arbitrators between the United States and individuals. In most cases of this kind the appraisers are influenced by a morbid sensibility, which almost invariably impels them to sacrifice the interest of the nation to that of the individual. Independent however of this indefensible principle of action, there must necessarily exist in most cases of appraisement under the collection laws, some individual bias in favor of the importer.—The decision is to be made by merchants, and if made in favor of the government, the reputation of the party in interest must be seriously affected. The persons called upon to decide may themselves be placed the next day, in a situation to have their reputation assailed by the same means. The great body of the merchants, may in the question under consideration be viewed as a distinct community, bound together by ties generally inescapable to the collector; performing successively for each other, acts by which their pecuniary interest oftentimes acquire a unity, totally incompatible with the disinterested discharge of the duties of an appraiser. Should however the appraisements in despite of all these obstacles, correspond with the impressions of the collector, and seizure of the merchandize be made,

the party is allowed to prove the actual cost of the articles, and time is generally allowed by our courts, for the examination of witnesses beyond the seas. The result of an investigation under such circumstances can hardly be considered doubtful.

When making these observations, no imputation upon the character of the American merchant is intended. As a body of men they are highly respectable for their intelligence, integrity, and respect to the laws; so far as they are directly concerned in importations. I believe, with the collectors of the customs, that the revenue has been generally fairly paid. But it is impossible that the high character which they have hitherto maintained, should be preserved against the ruinous competition in which they have since the peace, been engaged, unless the frauds practised by the foreign importer shall be effectually restrained. Indeed there is some reason to believe, that some among them have already resorted to such practices, not effectual for evading the payment of duties justly demandable of them, than those which have been with so much success employed by foreign importers. It has frequently happened that a vessel bound to a particular port is freighted by merchants residing in the principal commercial cities. In such cases the goods have generally been entered by an agent or consignee, residing in the port where the vessel arrives, and the goods so entered are reshipped in their original packages to the ports where the owners severally reside, or to other ports of the United States.—The entries are consequently made upon such invoices as are forwarded to the agent or consignee, of the correctness of which, he is wholly ignorant. The goods thus reshipped in the original packages having undergone no examination, are not subjected at the port to which they are reshipped to that kind of examination which they would have undergone, had they arrived directly from a foreign port. The importer therefore not only avoids the necessity of swearing to the correctness of the invoices, but also eludes the vigilance of the custom house, as his merchandize at the port where it is opened, and sold has acquired the character of articles upon which the duties have been paid or secured. Cases of this kind have so greatly increased since the war, that it is difficult to avoid ascribing the increase in some degree to motives incompatible with the high character for integrity and respect for the laws, which the American merchants as a body of men, have so justly acquired.

There is some reason to believe that evasions are sometimes practised under color of discounts allowed on the prices charged in the invoices.—Under the treasury regulations no conditional discounts are allowed; but it is extremely difficult to ascertain whether they are absolute or conditional.

In order to provide an adequate remedy against the frauds and evasions which already exist, and to prevent their further increase, it is respectfully submitted, that provisions to the following effect be adopted:

1. No goods to be admitted to entry where the invoices are not produced, except goods taken from wrecks, and under other circumstances, which preclude the possibility of producing them.
2. In every entry of goods subject to duty, the party making the entry to state upon oath,



whether he is the owner, and if not, to state the name and residence of such owner.

3. Every oath of entry in addition to what is now required shall state that the invoices produced exhibit the true correct value of the article in the state of manufacture, in which the goods then are.

4. If the goods do not belong to the person who enters them, bonds shall be given as in case of an agent, that the owner shall in due form of law, verify the invoices by which the entry is made, or produce other invoices verified in like manner.

5. That where goods are reshipped coastwise, in the original packages, invoices certified, under the hand and official seal of the collector, must be produced at the port to which they are shipped, and the same inspection shall take place, as if the vessel should arrive direct from a foreign port; on failing to produce such invoice, the vessel and goods to be forfeited.

6. That after the — day of — next, no entry of merchandize paying ad valorem duties, shall be made upon any invoices where the owner resides out of the United States, which shall not be verified by the owner in the manner required by the foregoing provisions, before the American consul at the port of shipment, or of some other port. And such owner shall further state, whether he is the manufacturer of the goods described in such invoices, in which case he shall further swear, that the prices charged are the current value of the articles, and such as he would have demanded, had they been sold in the usual course of trade.

7. That for the appraisement of goods in all cases required by these provisions, there shall in each of the principal ports be appointed two persons, well qualified to perform that duty, who, together with a respectable merchant to be chosen by the party in interest, shall upon oath, make such appraisement. In every case the merchant selected by the party in interest, shall, upon oath, declare that he has no direct or indirect interest in the case. In the smaller ports, an inspector of the revenue best qualified for that purpose, and a disinterested merchant selected by the collector, and another by the party in interest, shall be the appraisers.

8. Merchants selected by the parties in interest and by the collectors, shall be compelled to serve by the enactment of suitable penalties. The compensation to be allowed them, to be equal to the rate received by the appraisers.

9. In all cases where there shall be just grounds to suspect that goods paying ad valorem duties, have been invoiced below their actual cost, the collector shall order them to be appraised in the manner already described; if appraisement shall exceed by — per cent. the invoice prices, then, in addition to the per cent. laid upon correct and regular invoices by the existing laws, there shall be added — per cent. upon the appraised value, upon which aggregate amount the duties shall be estimated.

10. One half the duties accruing upon such additional per cent shall be distributed according to law, between the custom house officers of the port.

11. The same proceedings shall be had in all cases coming within the 6th provision proposed, where the invoices are not verified before an American consul. The same additional per cent.

shall be laid upon the appraised value, as in case of fraudulent invoices.

12. But no such addition shall be made in any case where the goods are shipped from a country or state, in which no American consul resides.

13. Nor shall such appraisement be necessary where the foreign owner is present and enters the goods.

14. The same appraisement shall be made, previous to the entry of the goods taken from wrecks — and also where a reduction of duty is claimed, on account of the goods being damaged in the course of the voyage.

15. The expenses of appraisement shall be borne by the owners of the goods in all cases, except where the appraisement ordered in the allegation of fraudulent invoices, shall not subject the owner to the additional per cent. directed by the foregoing provisions, and in cases of goods taken from wrecks.

16. The appraisers in the principal ports shall receive as a compensation for their services, — dollars per annum. The inspectors in the other ports who shall perform the duties of appraisers, shall receive the full allowance of inspectors, whether they are actually employed throughout the year or not.

17. In every case of entry upon invoices, the collector of the port where the entry is made, shall certify the invoices under his official seal. — in all contestations concerning the said goods, no other evidence of the value thereof shall be admitted in any court of the United States, on the part of the owner of such goods.

18. Counterfeiting any certificate required by these provisions, to be felony.

19. That for every verification of invoices before an American consul, there shall be paid by the party making the oath, the sum of — dollars, for the use of such consul.

20. That no discount be allowed except where the oath of entry, or that taken before the American consul, shall expressly state, that it has been actually allowed to the purchaser in the payment made by him for such goods.

21. That the collectors of the different ports be authorized at their discretion, or upon instructions from the Treasury department, to subject to the most rigid inspection, a certain proportion of the packages imported into their respective ports, and if they are not agreeable to invoice, or falsely charged, a full inspection of the whole shall be made. Where any package shall contain articles not described in the invoice, the whole package to be forfeited.

22. Every bond taken for duties shall be executed by at least one American merchant, or by a foreign merchant, who has resided at least — years in the United States, and has held by lease during that time, a tenement of the yearly rent of at least — dollars.

23. The bondsmen to be liable for any pecuniary penalty incurred by frauds on the revenue. Such liability to cease upon the delivery of the goods subject to forfeiture.

24. The execution of a bond for the payment of duties by one partner to bind the firm.

The adoption of the foregoing provisions will as far as it is practicable, prevent the entry of foreign goods without an appeal, under the sanction of an oath, to the conscience of the party who is in possession of all the circumstances connected with the purchase of them in foreign countries.

Where this oath is not obtained, the provisions are intended to guard against decisions injurious to the government from indirect interest, or from the more general inclination which seems to exist in the community, to favor the interest of individuals, at the expense of the nation.

Whatever may be the reliance which ought to be placed in the efficacy of the foregoing provisions, it is certainly prudent to diminish, as far as practicable, the list of articles paying ad valorem duties.

The best examination which circumstances have permitted has resulted in the conviction that the following list of articles now paying ad valorem duties may be subjected to specific duties, viz:

|  |              |
|--|--------------|
| Amis   | 2 per lb     |
| Ass, broad   | 30 each      |
| narrow   | 25           |
| hatchets   | 15           |
| saws   | 25           |
| Augers, not exceeding half an inch   | 1 1-2        |
| above that size, and not exceeding 1 inch  | 2            |
| above 1 inch, and not exceeding 1 1-2  | 2 1-2        |
| above that size  | 3            |
| Chisels, not exceeding half an inch  | 1            |
| above that size, and not exceeding 1 inch  | 1 1-2        |
| above 1 inch, and not exceeding 1 1-2  | 2            |
| above that size  | 2 1-2        |
| Hammers, blacksmith's  | 2 1-2 pr lb. |
| claw hammers, carpenter's  | 5 each       |
| Hoes, broad  | 15           |
| narrow   | 10           |
| Knives, cutters  | 40           |
| cutting  | 25           |
| drawing  | 25           |
| Seythes  | 25           |
| Reaping hooks, or sickles  | 5            |
| Rakes  | 10           |
| Saws, cross cut  | 100          |
| whip saws  | 100          |
| hand saws  | 25           |
| tenon saws   | 25           |
| Spades   | 15           |
| Andirons, cast iron  | 1 per lb.    |
| wrought iron   | 50 pr pair   |
| brass, or of brass and other metal   | 200          |
| Fenders, iron  | 100 each     |
| of brass, or steel, or parts of either   | 200          |
| Shovels and tongs, iron  | 50 pr pair   |
| steel, or brass, or parts of either  | 75           |
| Musket   | 150 pr stand |
| Rifles   | 250 each     |
| Powling and hunting pieces, single barrel  | 400          |
| double barrel  | 500          |
| Canon, cast iron   | 2 per lb.    |
| brass  | 5            |
| Frying pans  | 25 each      |
| Gridirons and griddles   | 30           |
| Vessels, cast iron, not otherwise specified  | 2 1-2 pr lb. |
| Vessels of copper  | 10           |
| of pewter, including dishes, plates, basins, tankards, spoons and other utensils not specified | 3            |
| Tin, in sheets or plates   | 4            |
| Bandana, flag and other silk handkerchiefs from India, not exceeding 36 inches square          | 15 each      |
| above that size  | 30           |
| Cards, for carding   | 20           |
| Cotton bagging   | 0            |
| Drugs, aloes   | 2 per lb.    |
| ammoniacum (gum)   | 4            |
| arabic (gum)   | 2            |
| asafoetida (gum)   | 0            |
| sengai (gum)   | 1            |
| gamboge (gum)  | 2            |
| cream tartar   | 1            |
| jalap  | 3            |
| ipecacuanha  | 10           |
| Gloves or mitts—long silk  | 100 per doz. |
| short  | 60           |
| children's   | 40           |
| long cotton  | 70           |
| short  | 40           |
| children's   | 30           |
| Hats, wool or felt, men or women's   | 20 each      |
| children's   | 12           |
| beaver, men or women's   | 100          |
| children's   | 50           |
| Horns and other basins   | 3 per lb.    |
| Honey  | 6 per gall.  |
| Hair powder  | 6 per lb.    |
| Horns—ox   | 75 pr 100    |
| Horn tips  | 40           |

|   |              |
|---|--------------|
| Horse hair  | 5 per lb.    |
| Leather—saw   | 5            |
| dressed   | 10           |
| Lard  | 1            |
| Lemons  | 25 per 100   |
| Limes   | 20           |
| Liquorice   | 2 per lb.    |
| Mahogany  | 1 pr a foot  |
| Madder  | 1 per lb.    |
| Mustard, except seed  | 10           |
| Nankeens, India short pieces not exceeding seven yards and eighteen inches in breadth   | 25 pr piece  |
| India, long, not exceeding ten yards and twenty-five inches in breadth                  | 40           |
| Pieces exceeding these dimensions, the duty to be in proportion to the foregoing rates. |              |
| Oil—olive, in bottles   | 40 per gall. |
| castor  | 30           |
| flusced   | 30           |
| Olives  | 40           |
| Capers  | 40           |
| Oranges   | 20 per 100   |
| Opium   | 25 per lb.   |
| Pickles   | 10 pr gross  |
| Pine apples   | 3 each       |
| Pipes—smoking   | 10 pr gross  |
| Prussian blue   | 10 per lb.   |
| Preserves, comfits and sweet meats, in sugar jar  |              |
| brandy  | 10           |
| quicksilver   | 5 per lb.    |
| Rice  | 60 per 100   |
| Rhubarb   | 4 per lb.    |
| Salt petre—refined  | 2            |
| crude   | 1            |
| Slates  | 1 each       |
| Saddle trees  | 25           |
| Snake root  | 2 per lb.    |
| Saffron   | 2            |
| Senna   | 0            |
| Sassa parilla   | 2            |
| Stockings, silk, or where silk is the principal material, whole                         | 240 per doz. |
| half do.  | 180          |
| quarter do.   | 75           |
| Cotton, wool, or flax, whole  | 150          |
| half  | 80           |
| quarter   | 35           |
| Children's—the duty upon the quarter respectively.                                      |              |
| Vitriol   | 4 per lb.    |
| Umbrellas or parasols, covered with silk  | 100 each     |
| cotton  | 60           |
| sticks and frames   | 30           |
| Wool—blankets   | 30 pr yard   |
| Carpets, inferior to Brussels   | 25           |
| Brussels, and others, superior  | 35           |
| Flannels, or cotton mixtures  | 12           |

At present Bohea tea pays a duty of twelve cents a pound, while all other black teas pay twenty five cents. The great difference in the duty paid by these kinds of teas, and the difficulty in distinguishing between them, have it is believed, led to the commission of frauds upon the revenue, by importing under the name of Bohea, every species of black tea. As the whole of these teas in common with Bohea, have grown into general use among the poorer classes of the community, the propriety of considering them all to be of the same class, for the purpose of duties, and of laying upon them eighteen cents a pound, instead of the duties now imposed, is respectfully suggested.

By the present tariff, Madeira, Burgundy, Champagne, Rhenish and Tokay wines, pay 100 cents a gallon, and Sherry and St. Lucar 60. All other wines when imported in bottles or cases, pay 70 cents a gallon. This last duty principally affects the claret wines of France, which, at the principal port of shipment, do not generally cost 10 cents a gallon. A small portion, however, of these wines, sell as high in Bordeaux, as Madeira wine in the United States. The small quantity of this quality of wine produced in France, and the great demand for it, produced by the necessary supply for the tables of the rich in that and the neighboring countries, will never admit of any considerable importation of it into the United States. To determine the duty upon claret, with a view to

this inconsiderable portion of it, does not appear to be judicious. Considering the cheapness of the common clarets, and the salutary effects produced by them, compared with most other wines, the expediency of reducing the duty to a more reasonable proportion to the cost of the article, is respectfully suggested. A duty of 30 cents a gallon upon all claret imported in bottles or cases, and of 15 cents when imported in any other manner, would be higher than the duty now imposed upon Madeira wine in proportion to their respective costs.

Smuggling, by the introduction of articles clandestinely and without entry, is principally confined to the eastern section of the sea coast bordering on the East and West Florida, to the coast west of the mouth of the Mississippi river, and to the inland frontier. The vigilance of the custom houses with the aid of revenue cutters and of some additional provisions which have been suggested by experience, will be sufficient to repress practices of this kind, which are necessarily resorted to, only by persons in desperate circumstances, and consequently are carried on upon a contracted scale, compared with the great mass of importations into the country. The multiplication of small ports of entry in the Chesapeake Bay has probably, and certainly according to public opinion, given rise to more smuggling than any advantage fairly resulting to the inhabitants of those ports from their establishment will compensate. As a measure well calculated to aid in repressing this kind of smuggling, it is proposed to authorize the commanders of the revenue cutters to require the production of the manifests of the cargo of all vessels boarded by them, when an officer of the customs is not present, and that they may be empowered to perform all acts which an inspector or other revenue officer would be permitted to perform, in relation to the manifests so produced.

It is also respectfully suggested, that provision be made for requiring of all pilots licensed under the state laws, to report under the sanction of an oath, every vessel piloted by them into any port or place, to the collector of the port to which they belong, as well as to the collector of the district into which the vessel is piloted within, — after such vessel is conducted to its place of destination. On failure to comply with this provision, to be fined — dollars, or be imprisoned — months, and upon second conviction of the same offence, to be rendered incapable of exercising the functions of pilot, in addition to the penalties prescribed for the first offence; or the pilots might be sworn not to pilot any vessel arriving from any foreign port, into any other than a port of entry, and bonds might be required to that effect.

The difficulties which have been experienced in the execution of the commercial convention between this country and Great Britain, resulting from the entire independence of this class of men, of the laws of the Union, regulating foreign commerce; and which have produced serious reclamations on the part of the British government, may suggest the propriety of extending the authority of the federal government over them, still further than the safety of the revenue may require.

More effectually to guard against smuggling upon our inland frontier, it is necessary that provisions of the following nature be adopted:

1. That all boats, skiffs, and other craft of every size and description, be compelled to enter and clear in all the waters bordering upon the British possessions, and that for every violation of this provision, and for unloading without such entry, the boat, skiff or craft, with tackle, rigging, and cargo to be forfeited.

2. That every waggon, sleigh, or any other vehicle, in which goods are found subject to duty which have not been entered, shall, with the team by which they are respectively drawn, together with the goods, be forfeited, and the party shall, moreover, forfeit and pay double the value of such goods.

3. That it shall be lawful for any person importing foreign merchandise by land from the British dominions in America, to enter such goods at the office of the nearest deputy collector, to the road by which they are imported, and in all cases where goods so imported, shall be found not being entered after having passed by such office, they shall be liable to seizure and condemnation, as being illegally imported.

Upon the whole of our inland frontier, bordering upon the British possessions, an impression generally prevails, that injustice is suffered by the inhabitants, from being subjected to a higher rate of duty upon all merchandise imported from these possessions, than is paid by that portion of their fellow citizens who receive their supply of foreign merchandise from the Atlantic ports. This impression has enlisted the feelings and sympathies of the people, in favor of the illicit introduction of foreign merchandise, by which the revenue is greatly defrauded, in proportion to the importations made from the British possessions. — The loss of the revenue, however, is but a secondary object in the consideration of this subject. — The influence which the continuation of this state of public feeling, must necessarily have in corrupting our citizens, and producing an habitual disrespect for the laws demands the peculiar attention of the legislature. If the inequality in the contributions paid by the consumers of merchandise imported from Canada can be destroyed, there is just reason to believe that public opinion will, upon that frontier, be enlisted on the side of the laws, and that smuggling, will be considered as disgraceful there as on the Atlantic coast.

It is, therefore, respectfully submitted whether it is not expedient to provide that in all cases of importations into the United States from Quebec, Montreal, or any other commercial town in the British territories, the duties shall be estimated upon the cost of the articles at the place of original purchase, under the following regulations, viz.

1. The merchant from whom the goods are bought in the British dominions shall, before the mayor of the city, or a judge of a court of record, and in the presence of the purchaser and importer into the United States produce a copy of the original invoice and swear that it contains an accurate statement of the price given for the goods described in their then state of manufacture.

2. The importer into the United States shall produce the copy of the original invoice so verified, and also a copy of the invoices of the goods purchased by him, accurately exhibiting the current value of the said articles at the place of purchase, and which has been paid, and shall upon oath declare, to the correctness of the latter, and that the former was verified in his presence.



The adoption of regulations of this kind it is believed, will effectually guard the revenue against frauds and evasion arising from attempts to enter merchandise below its real cost, and may have the happiest effect in discountenancing smuggling of the most flagrant character, and in restoring public opinion upon this important subject to a sound and healthful state.

The district of Champlain extends from the shores of Lake Champlain to the river St. Lawrence. The waters falling into the former, are separated from those falling into the latter, by a mountainous range which, in a great measure, insulates the one from the other.

It is therefore deemed expedient to form another collection district of that part of the Champlain district which lies west of that range, including the northern part of the district of which Ogdensburg is the port of entry.

From information obtained from the gentlemen who traversed the lakes during the summer and autumn of 1816, as far as lake Superior, for the purpose of determining the boundaries of the United States, according to the provisions of the treaty of Ghent, it is believed that the public interest requires, that the collection district should be formed comprehending the shores and waters of that part of Lake Superior lying within the United States, and the western shore of Lake Huron; the port of entry of the district to be at the fall of St. Mary, on the water communication between those lakes.

Another collection district also appears to be necessary in the western extremity of the state of Louisiana. That section of the country has lately been the scene of the most active smuggling, especially in African slaves from Galveston. Although the suppression of that establishment may for some time check the smuggling practices which have been carried on in that quarter, yet there is just ground to apprehend, that they will be resumed from other points of the same coast, unless suitable measures of prevention are adopted.

The act of 1799, in the 38th section, fixes the tare which shall be allowed upon packages, casks, &c. therein described, containing articles paying specific duties. The enumeration, however, is, by practice, found to be imperfect. The defects have been supplied by regulation, which is probably not uniform in all the parts. The statement A. hereto annexed, presents a list of the principal items embraced by those regulations.

The act of the 27th of March, 1804, which imposes specific duties upon a great variety of articles which before paid ad valorem duties, has made no provision for ascertaining the tare of such articles when imported in packages, casks, &c. Statement B. contains an enumeration of those articles, with the tare allowed by regulation. The propriety of establishing those rates by law, is respectfully suggested.

Under the navigation act, vessels employed in the coasting trade are subject to a tonnage duty of 50 cents, unless the officers and three fourths of the crews are American citizens. This duty is to be paid upon every voyage by registered vessels, and once a year by licensed vessels. The proof is to be made by the collector, to whom the duty is payable. This proof is much more easily made at the port to which the vessel belongs, than at the port to which it is bound. It seems, therefore, to be expedient that the proof

of citizenship should be tendered to the collector of the port from whence the vessel sails. The certificate of the collector should be considered a satisfactory evidence by the collector of the port to which the vessel is bound, unless where the contrary should be made to appear. Every change, in the officers or crew, should be certified by the collector of the port where such changes as they occur, and certifying the character of the crew as often as they happen, that it is possible for a licensed vessel to exempt itself from the payment of 50 cents per ton.

The act of 1793, for registering and licensing vessels, is considered defective, by reason of not defining, with sufficient accuracy, the condition upon which the bonds shall be forfeited. It is understood that the courts have declared them void.

The bond for delivering the register of a vessel, sold to foreigners, does not fix the time within which the register shall be surrendered, and is, therefore, generally nugatory. There is no remedy against the discharge of American seamen in foreign ports, where the vessel is sold. If the bond should embrace this object, and should be forfeited in six months after the sale of the vessel, if the register should not be delivered within that time, where the sale was made in Europe, and twelve, in countries beyond the Cape of Good Hope, the object contemplated by requiring the bond, might be secured. The party might be permitted to send the sailors home at his own expense, and avoid the penalty of the bond, so far as that condition was concerned.

The forfeiture of four hundred dollars, for departing from a port to which a vessel has cleared and in which it has arrived, without entering, is believed to be inadequate to the object.

The act of congress, intended to secure to the United States, a priority over individual creditors, in the recovery of debts, in all cases of the insolvency of its debtors, has been found to be inadequate to the object for which it was enacted. This has arisen, in some degree, from the provisions of some of the state laws, by which aliens are obtained, by taking out attachments, which are levied upon the property of their debtors, when upon the brink of insolvency, or immediately after such insolvency is known.

As no doubt is entertained of the justice and propriety of securing this legal priority, in all cases connected with the revenue, or with the tenure by which offices are held under the United States, the expediency of revising the act relating to this subject, in order to render it effectual, is respectfully suggested.

It may be proper, in closing this report, to bring in view subjects, which, though not strictly embraced by the resolution, may be considered as fairly incidental to it. Among these may be mentioned the inconvenience and loss to which the treasury is subjected, by suffering, in particular states, landed property to be sent over to the United States, upon appraisements, in discharge of debts, arising from custom house bonds. The property is always appraised for more than it will sell; it has, therefore, been generally retained, with a view to realize the sum at which it has been received. In the mean time, for the want of proper agents, or indeed agents of any kind, it remains not only unproductive, but generally becomes less valuable. This principle seems to have been adopted from a respect to the state laws.

Its inequality is, however, a sufficient argument against its continuation, independent of the loss which the treasury suffers from it. In some of the states, where the United States are subjected to this inconvenience, the states have taken better care of their own interests by excepting them from the operation of it. If the law, in this regard, is not changed, it will be necessary to authorize the appointment of agents in those states, to take charge of the real property of which the United States are already, or may hereafter become the owners—or else it will be necessary to make sale of them, with as little delay as possible, without regard to the loss which may be incurred.

If it is judged expedient to legislate upon the subject, it may be proper to authorize the sale of those lands by the marshal, with the powers to make titles to the purchaser. Under the existing laws the practice is, for the secretary of the treasury to execute the titles.

Should the principal provisions which are recommended be adopted, the importance of public warehouses will be greatly increased.

The appropriation which was made for that object, in the year 1816, was applied, by the late secretary of the treasury, to the purchase of customhouses and warehouses in Boston, New York, and Philadelphia—Measures have been taken, during the last year, to build, or to procure suitable establishments for the same purpose, in Baltimore and in Charleston. Statement C. which is annexed, shows the application of the sum appropriated, and an estimate of the sum necessary for the accomplishment of the object for which it was made. It may be proper to observe, that a considerable expenditure will be necessary in Philadelphia before the object of the appropriation can be effected.

Statement D. shows the application of the appropriation of \$50,000 for purchasing or erecting, for the use of the United States, suitable buildings for customhouses and public warehouses, in each principal district, in each state, where the secretary of the treasury shall deem it necessary, for the safety and convenient collection of the revenue.

Under this appropriation, customhouses and public warehouses have been purchased at Portsmouth, in New Hampshire, and in New Haven, in Connecticut. Lots have been purchased in Providence, in Rhode Island, and in Norfolk, in Virginia. In the former, a contract will shortly be made for the erection of the building. The price of suitable lots in Norfolk and in Savannah, and the high price demanded for the erection of buildings, in those places, will not authorize the department to enter into any engagements for the erection of necessary buildings, until it is ascertained whether an additional appropriation will be made for that object. It may not be improper to state, that in some of the ports to the eastward, houses and lots have been set over to the United States, which are represented to be suitable to the object in question. The commerce, however, of those ports is inconsiderable, and probably will remain so for many years. All which is respectfully submitted,

WM. H. CRAWFORD.

Treasury Department, Jan. 17, 1818.

(CIRCULAR)

Treasury Department, May, 7, 1817.

Sir—A general impression appears to prevail in all the commercial cities, that frauds upon the

revenue are committed to considerable extent, by invoicing merchandize paying an ad valorem duty, which costs less than twenty-five cents the yard, with those that exceed that price, so as to produce an average value above twenty-five cents the yard, and thereby introduce coarse and cheap fabrics without paying the duty contemplated by the tariff. According to the same impression, frauds of a more glaring nature are frequently committed upon the revenue, especially on importations upon consignment, by the introduction of articles not described in the invoices, which from the imperfect manner in which the inspection of the packages are made, escape with impunity. It is possible that this impression may not be correct to the extent that it has been made—but it is believed that a due regard to public opinion upon this subject, requires that a more rigid inspection than has yet been made, should now be attempted with a view to detect the frauds which are supposed to be practised. It is therefore proposed, 1st, that a certain proportion of the packages which contain goods subject to ad valorem duties, shall be selected from each invoice by the collector, which shall be strictly inspected with a view to detect frauds which may be attempted by putting in the same invoice goods of greater and less price than twenty-five cents a yard.

2d. That a certain portion of packages paying specific duties be designated in like manner by the collector, which shall be thoroughly examined, for the purpose of detecting any attempt which may be made to smuggle articles not described in the invoice.

3d. That the proportion of packages to be designated by the collector, on importations upon consignment, be double the number when the person who enters them is the owner and importer.

4th. That in all cases of consignment the packages designated shall be lodged in the public warehouses, until the inspection be made.

5th. That every importation shall be deemed to be upon consignment, unless the person who makes the entry shall expressly negative the fact in oath of entry.

In order that the inspection directed for detecting frauds of the first kind may be skillfully executed, the inspector whose habits and information qualify him for the discharge of that duty, and in whose judgement and fidelity you have most implicit confidence, should be exclusively employed for that purpose.

As it is an object of importance that the revenue system should be rendered as perfect as possible, and that every attempt to evade the provisions of the existing laws should be known, you are requested to communicate to this department every circumstance of that nature, accompanied by suggestions of the provisions necessary to repress the evil.

I am, very respectfully, sir, your obedient servant,

(Signed,)

WM. H. CRAWFORD.

| A.                   |             |
|----------------------|-------------|
| Sugar, in cannisters | 40 each     |
| Coron, in sermons    | 8 per cent. |
| Cheese, in casks     | 15          |
| Indigo, in cases     | 15          |
| Twine, in cases      | 15          |

| B.                       |             |
|--------------------------|-------------|
| Taxes allowed by custom. |             |
| Almonds, bags            | 4 per cent. |
| fruits                   | 10          |
| casks                    | 25          |



|                                   |              |
|-----------------------------------|--------------|
| Casia, Chinese, boxes             | 18           |
| Cinnamon, boxes                   | 25           |
| Cloves, casks                     | 12           |
| Coriander, bags                   | 4            |
| Curants, casks                    | 12           |
| boxes                             | 10           |
| Figs, boxes                       | 10           |
| mats or frails                    | 10           |
| Blue, casks, boxes                | 20           |
| Lead, white, in oil               | 15           |
| dry                               | 5            |
| red                               | 5            |
| Mace, casks or boxes              | 18           |
| Nutmeg, casks                     | 12           |
| bags                              | 4            |
| Ochre, yellow, in oil             | 12           |
| dry                               | 10           |
| Powder, gun, quarter casks        | 5 each       |
| half hundred                      | 9            |
| whole hundred                     | 21           |
| Plums, boxes                      | 8 per cent.  |
| Prunes, boxes                     | 8            |
| Raisins, boxes                    | 15           |
| jars                              | 18 each      |
| casks                             | 12 per cent. |
| fruits                            | 10           |
| drums                             | 10           |
| Spanish brown, casks              | 12 each      |
| Shed iron, boxes                  | 8            |
| Tallow, casks                     | 12 per cent. |
| seroons                           | 8            |
| tubs                              | 15           |
| Fish, dry, casks                  | 12           |
| boxes                             | 12           |
| Snuff, casks                      | 12           |
| boxes                             | 15           |
| Almonds, casks                    | 8            |
| Steel, cases                      | 8            |
| Spanish brown, in oil and in kegs | 12           |
| Pigs, casks                       | 8            |
| Almonds, seroons                  | 10           |
| Figs, drums                       | 8            |

## C.

Amount of monies expended under the appropriation of \$280,000 for providing suitable buildings for the custom houses at Boston, New-York, &c.

|                          |            |
|--------------------------|------------|
| Amount of appropriation, | 280,000    |
| Expended, viz.           |            |
| At Boston,               | 20,000     |
| New-York,                | 70,000     |
| Philadelphia,            | 33,000 50  |
| Baltimore,               | 50,000     |
|                          | 182,000 50 |

## Unexpended balance

67,999 50

In conjunction with the above mentioned balance, it is estimated that there will be required the further sum of \$7,000 dollars and 50 cents for the following ports, &c.

|               |        |
|---------------|--------|
| Baltimore,    | 20,000 |
| Philadelphia, | 70,000 |
| Charleston,   | 50,000 |

## D.

Statement of monies expended and contracted to be expended under the appropriation of 20,000 dollars, for purchasing or erecting suitable buildings for custom houses, public warehouses, &c.

|                      |        |
|----------------------|--------|
| At Portsmouth, N. H. | 8,000  |
| Providence,          | 3,000  |
| New-Haven,           | 5,000  |
| Norfolk,             | 9,000  |
|                      | 25,000 |

It is estimated that, in addition to the unexpended balance of the above-mentioned appropriation, the further sum of 75,000 dollars will be required to accomplish the object.

## FINANCES OF PENNSYLVANIA.

Estimate of the receipts at the State Treasury for 1818.

|   |               |
|---|---------------|
| Dividends on bank and other stock,  | \$ 200,000    |
| Auction duties,   | 90,000        |
| Lauds,  | 60,000        |
| Tax on banks,   | 28,000        |
| Tavern licenses,  | 26,000        |
| 1st instalment state house, &c.   | 23,333 33     |
| Tax on offices,   | 8,000         |
| Court fines,  | 4,000         |
| Fees secretary's office,  | 800           |
| Miscellaneous, including a balance due by the United States, old debts, &c. | 25,000        |
|   | \$ 465,133 33 |

To which add the balance in the treasury, 1st Dec. 1817,

191,862 56

\$ 656,995 89

Estimate of the ordinary expenditures for the year 1818.

|                         |            |
|-------------------------|------------|
| Expenses of government, | \$ 185,000 |
| Militia,                | 35,000     |
| Pensions,               | 18,000     |
| Pennsylvania claimants, | 6,000      |
| Miscellaneous,          | 15,000     |
|                         | 259,000    |
| Probable surplus,       | 397,995 89 |
|                         | 656,995 89 |

Of the above balance of \$ 397,995 89, I beg leave respectfully to suggest the propriety of reserving in the treasury, to meet contingencies, a sum not less than 20,000 dollars; which would leave about 378,000 dollars to be applied in the discharge of so much of the existing appropriations as the house of representatives conceive may be called for in the year 1818, and for such new appropriations as the present legislature shall deem proper to make.

GEO. BRYAN, Auditor gen.

## UNITED STATES ROADS.

WASHINGTON, January 23, 1818.

To the House of Representatives of the U. States;

In compliance with a resolution of the House of Representatives of the 9th December last, requesting information of what roads have been made, or are in progress, under the authority of the Executive of the United States; the states and territories through which they pass, or are intended to pass; the periods when they were ordered to be made, and how far they have been executed, I now communicate a report from the Secretary of the Treasury, and likewise a report from the Secretary of War, containing the information which is desired.

JAMES MONROE.

Treasury Department,

29th December, 1817.

The Secretary of the Treasury, to whom was referred the resolution of the House of Representatives, requesting the President of the United States to cause to be laid before the House, information of what roads have been made, or are in progress, under the executive authority of the United States; the states and territories through which they pass, or are intended to pass; the periods when they were ordered to be made, and how far they have been executed, has the honor to submit statements No. 1 and No. 2, from the office of the Register of the Treasury, which show the number of roads embraced by the resolution; the sums which have been expended upon them; the periods when the money was paid at the Treasury, and the persons to whom the money was paid.

Statement No. 3, shows the amount of the two per cent. fund, arising from the sale of the public lands in the state of Ohio, under the act of Congress for admitting the north west territory into the union as an independent state; and statement No. 4, shows the amount of the same fund in the state of Indiana, which are understood to be applicable to the construction of the Cumberland Turnpike road, commencing at Cumberland, in the state of Maryland, passing through a

part of the states of Maryland, Pennsylvania, and Virginia, and intersecting the river Ohio, at the town of Wheeling.

This road is completed from Cumberland forty-five miles west of that place. Contracts have been executed early in the present year, for the construction of that part of the road lying west of the forty-fifth mile from Cumberland, to Union town, a distance of nearly fifteen miles; and from the activity with which the work is carried on by the contractors, there is just ground to believe that it will be completed thus far early in the ensuing year.

Contracts have also been made for completing upwards of thirty miles of the road west of the Monongahela, including a section on the eastern margin of that river.

These contracts embrace such parts of the roads between the Monongahela and the Ohio, as presented the most serious difficulties to travelling, and the transportation of heavy articles between those rivers.

Statement No. 3, presents an estimate of the appropriations which will be necessary to enable the Treasury Department to discharge the demands which have accrued, and which will be demandable by the contractors, pending, and at the completion of those sections of the road which they have severally agreed to construct.

Statement No. 6, shows the estimated amount of the expense of completing the whole road from Cumberland to Wheeling, which is not yet undertaken, including bridges over the Yoheogeny and Monongahela rivers.

It may be proper to observe that the demands which have already accrued beyond the appropriation for that object and which now remain unpaid, exceed thirty-eight thousand dollars.

The vigor with which the present contractors have prosecuted their labors, furnishes the most satisfactory evidence of their capacity and determination to perform their engagements within the time stipulated. There is also just reason to believe that the whole of the distance yet to be undertaken, both on the eastern and on the western side of the Monongahela, may be advantageously let in the course of the ensuing year, and that the road from Cumberland to the Ohio, may be completed in the best manner in two years from the present time, if appropriations equal to the object shall be made during the present session of Congress.

By statement No. 2, it appears that the appropriations for opening a road from the frontiers of Georgia to New Orleans, and for opening another from Nashville to Natchez, were paid to, and disbursed by, the Post Master General; those roads being intended principally for the transportation of the mail through the wilderness separating the different points from whence they commenced and terminated. Those roads were completed as far as the object for which they were intended required; and are understood to be at this time in a state to be useful to that object.

The appropriations for opening roads from the Mississippi to the Ohio, and to the former Indian boundary line, established by the treaty of Greenville—from the foot of the rapids of the Miami of Lake Erie to the western line of the Connecticut reserve; and from Shawnee town to Kaskaskia, in the Illinois territory, have been expended, as far as they have been carried into effect, by the Treasury Department.

The route of the last mentioned road has been explored, and the commissioners employed in the execution of that service have transmitted a map thereof for the sanction of the President, but nothing more has yet been done. From the extent of the other roads, which have been opened under the direction of the Treasury Department, compared with the sums appropriated and expended, the state of them may be readily conceived; but no particular information of their present state exists in this department. The appropriations were made for opening them, and when that was accomplished, no further agency was required from the department.

The two last appropriations exhibited in No. 2, were placed at the disposition of the War Department. The money has been paid from the Treasury, upon the requisition of the Secretary of the War Department, but no information has been received at this department of the application of the money to that object, nor of the state in which those roads are at this time.

All which is respectfully submitted, by

WM. H. CRAWFORD.

*The President of the United States.*

*Department of War, January 30th, 1818.*

The Secretary of War, to whom was referred the resolution of the House of Representatives, requesting the President of the United States "to cause to be laid before that House information of what roads have been made, or are in progress, under the executive authority of the United States; the states or territories through which they pass, or are intended to pass; the periods when they were ordered to be made, and how far they have been executed," has the honor to state, that in March, 1817, the general commanding the southern division was ordered to employ the troops in cutting a military road from the most convenient point upon the Tennessee river, to New Orleans. This road has been surveyed, and a considerable part of it has been completed.

Orders were given in May, 1816, to the commandant of the fifth military department to employ the troops under his command in the construction of a military road from Detroit to Fort Meigs, at the foot of the Rapids of the Miami of the lakes. This road, it is believed, is nearly completed.

In May, 1816, a survey was ordered, extending this road from Fort Meigs to the Connecticut Reserve, in the state of Ohio; and another was intended to be opened at the same time, from the reservation at the Rapids, on the Sandusky, to the settled parts of the Ohio, south of that point.

During the last autumn, the troops at Plattsburg were ordered to repair and complete the military road between that station and the station at Sackett's harbor, on the St. Lawrence, through Chataugay county, state of New-York, in which some progress is made.

A part of the appropriation for the repair of the road between fort Hawkins and fort Stoddert, and of that between Columbia and Madisonville, has been applied, and it is believed the repairs in the latter have been considerable.

In October last, orders were given to open the road from Reynoldsburg, on Tennessee river, to Natchez. It is believed the work is in considerable forwardness.

J. C. CALHOUN.

*The President of the U. S.*

Schedule of the several appropriations made by law, in relation to the opening and making roads, exhibiting the amount expended thereon—so much thereof as was unapplied and carried to the surplus fund, and so much thereof as remains to be applied.

### DESIGNATION OF THE ROADS.

No. 2 is a more particular statement of the application of the foregoing sums.

## No. 3

Estimate of monies received for lands in the state of Ohio, upon which two per cent. is appropriated for roads leading to that state.

From 1st of July, 1802, to 30th of September, 1817. \$ 1,816,012 15

2 per cent. on that amount is 156,330.00

Statement No. 4 is an estimate of monies received for land in the state of Indiana, sold from the 20th November, 1816, to the 30th September, 1817, upon which amount two per cent. is appropriated for roads leading to that state. The net amount received is \$ 409,361 63.

## No. 5.

Estimate of the amount necessary to be appropriated to enable the treasury department to discharge the demands which have accrued, and which will be demandable by the contractors, pending, and at the completion of those sections of the Cumberland road, which they have agreed to construct.

|   |              |
|---|--------------|
| Amount of claims presented at the treasury, and remaining unpaid, | \$ 52,984 60 |
|---|--------------|

|  |            |
|--|------------|
| Amount of demands which will be made under the existing contracts, | 260,000 00 |
|--|------------|

No. 6

Estimate of the amount necessary for the completion of the whole of the road from Cumberland to Wheeling, which is not yet undertaken.

35 miles, including the cost of the construction of the bridge over the Monongahela, \$100,000

Report of the committee, on so much of the president's message as relates to the militia.

January 9, 1818.

Accompanied with a bill to provide for organizing,  
arming and disciplining the militia, &c. &c.

The committee to whom was referred so much of the message of the president as relates to the militia, have had that subject under consideration, and beg leave to report:

That the constitution grants to congress the following powers in relation to the militia, to wit: To provide for organizing the militia, for arming them, for disciplining them, for calling them into the service of the United States, for governing them therein, and for compensating them for their services, which powers the committee have considered separately.

1. The committee are of opinion, that in organizing the militia, it would be a great improvement to divide them into two classes, with a view to train diligently, and to provide to arm immediately, the young men, and exempt the elderly men from that sacrifice of time which effective training would require—the organization of the militia might remain in all other respects nearly as heretofore established.

2. The constitution having made it the duty of congress to provide for arming the militia, this power is not duly exercised by merely enacting that themilitia shall arm themselves. A law to that effect, unsanctioned by penalties, will be disregarded, and if thus sanctioned, will be unjust, for it will operate as a capitation tax, which the opulent and the needy will pay equally, and which will not be



borne by the states in the proportion fixed by the constitution. The committee do not approve of putting public arms into the hands of the militia when not necessary. That mode would expose the arms to be lost and destroyed. They conceive that congress should provide arsenals, from which the militia from every part of the United States could draw arms when necessary, which would be a sufficient exercise of the power to provide for arming the militia.

3. Congress having power to provide for governing the militia only when they are in the service of the United States, and the authority of training them belonging to the state governments, the committee have not deemed it proper that congress should prescribe the time to be devoted to training, or the manner in which that object will be best effected. It is the duty of the state legislatures to enact the necessary laws for that purpose. The committee deem it a sufficient exercise of the power to provide for disciplining the militia, to direct the appointment of the necessary officers, to prescribe their duties, and provide a system of discipline, comprehending the camp duties, instruction, field exercise and field service for the militia.

4. The committee are of opinion, that the regulations for calling forth the militia may remain substantially as at present existing; that the president should in all cases address his orders immediately to some officer of the militia, and not to the executive of any state. The governor of a state is not a militia officer, bound to execute the orders of the president; he cannot be tried for disobedience of orders, and punished by the sentence of a court martial.

5. In providing for governing the militia in the service of the United States, it had appeared to your committee, that the senior class might be exempted from being marched out of the state to which they may belong; the junior class, composed of ardent and vigorous men the efficient force of the nation, should when called into service continue therein some time after having acquired the knowledge and habits of soldiers; that the officers should, by their own consent, be continued still longer in service, as military knowledge, principles and habits, are most essential to the officers, who are the souls of an army. It had also appeared to your committee, that those principles would be best acquired by the officers of the militia, in serving with officers of the regular army on courts martial, for the trial of offenders either of the regular troops or militia.

6. The compensation to the militia for their services, consisting of pay and allowance for clothing, and of pensions in case of disability by wounds received in the service, the committee would allow to remain nearly as heretofore fixed by law.

The committee acting according to the foregoing principles report a bill to provide for organizing, arming, and disciplining the militia—for calling them into the service of the United States; for governing therein; and for compensating them for their services.

#### NATIONAL LEGISLATURE.

FIRST SESSION—FIFTEENTH CONGRESS.

#### SENATE.

Friday, Jan. 30.

A message was received from the President of the United States, communicating to the senate,

in compliance with their request of the 22d inst. a report from the secretary of war, relative to the manner in which the troops now operating against the Seminole Indians, have been subsisted, whether by contract, or otherwise, and if they have been regularly furnished.

[The report states, that the troops are regularly subsisted by contract; that the forces now operating against the Seminole Indians, are within the district, the contract for which commenced on the 15th of June last; that the department of war, anticipating an increased demand for rations, in that quarter, made early and liberal advances of money to the contractor to enable him to give prompt obedience to the requisitions of the commanding general; that requisitions were made for deposits in advance, under the terms of the contract, at the several posts on the frontier of Georgia, and in the adjacent territories; that by the last official reports, these requisitions were not complied with, and the commandant had detailed officers to supply the deficiency by purchase; that the contractor reports, that he had sent an ample supply of rations to Fort Scott, from New Orleans, and that they were shipped on the 9th ult.; that this supply is intended to be conveyed up the Apalachicola river, and it is believed may have arrived at its destination before this period, in which event the purchases ordered by the general will cease. Accompanying the report, is a correspondence, shewing the extent of the failure, and the evils apprehended from an anticipated one, and embracing all the information possessed by the war department on the subject.]

The message and report were read and ordered to be printed.

*Public arms, number manufactured, cost, &c.*

Mr. Wilson submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested to cause to be laid before the senate, a statement of all the arms and accoutrements, which have been manufactured at the different armories of the United States, with the cost of each stand, and the number delivered to each state, respectively, under the act for arming the whole body of the militia.

The bill making appropriations for the payment of arrearages of expences incurred in the military establishment, was read the third time, passed, and returned to the house of representatives.

The bill to divide the district of Pennsylvania into two judicial districts, was read the third time.

The resolution respecting the Massachusetts claims, for militia services, was postponed to Monday next, to which time, after the transaction of some executive business,

The senate adjourned.

*Monday, Feb. 2.*

The resolution for appointing a committee on the Massachusetts claims, was, on motion of Mr. Otis, further postponed to this day week.

The military appropriation bill was taken up and discussed. Considerable debate took place on a motion which was made to restore the pay to brevet rank erased in the other house.

Feb. 2. Mr. Burrill, submitted the following motion for consideration:

*Resolved*, That the committee on public lands, be instructed to report a bill for extending, for the term of nine months, from the first day of March, A. D. 1818, the time limited for the ex-

hibition of claims for certain land warrants, described in the act, entitled, "An act further extending the time for issuing and locating military land warrants, and for other purposes," passed April 16, 1816.

Mr. Campbell, offered instructions from the legislature of the state of Tennessee to their senators, to use their exertions to procure the passage of an amendment to the constitution of the United States, relative to the compensation of members of congress; and moved that they be received and read; but, on motion, the further consideration thereof was postponed until to-morrow.

#### *Survey of the Coast.*

Mr. Storer, submitted for consideration the following resolution:

*Resolved*, That the president of the United States be requested to cause a statement of the progress made under the act to provide for surveying the coasts of the United States, passed February 10, 1807, and any subsequent acts on the same subject, to be laid before congress.

Mr. Morrow, from the committee on public lands, to whom the subject was referred, reported a bill providing for the sale of certain lands in the district of Marietta, and for the location of claims, and sale of certain lands in the district of Vincennes.

Mr. Williams, of Ten, from the committee on military affairs, who were instructed to inquire into the expediency of making further provision to secure to the heirs of soldiers who died in service, the bounty in land to which they are equitably entitled, reported that no further provisions were necessary on the subject, and recommended that the committee be discharged from the further consideration thereof.

A message was received from the president of the United States, by Mr. J. J. Monroe, his secretary, transmitting a report from the secretary of the navy, accompanied by a report of the board of navy commissioners, stating, in pursuance of a resolution of the senate, the proceedings which have been had under the act "for the gradual increase of the navy of the United States."

The senate resumed the consideration of the motion made on Friday last, requesting a statement to be laid before the senate of all the arms and accoutrements which have been manufactured at the different armories of the United States, with the cost of each stand, and the number delivered to each state respectively, and agreed thereto.

The senate resumed the consideration of the military appropriation bill, and agreed thereto, with several amendments; one of which appropriates 20,000 dollars for brevet extra pay to brevet officers on separate commands.

[The bill in the other house contained an appropriation of 35,000 for the same object; which was there struck out of the bill, and is now reinstated in part by the senate.]

The bill, as amended, was ordered to be read a third time:

Mr. Daggett, submitted for consideration the following resolution:

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of repealing or altering the law passed in 1812, establishing brevet rank in the army of the United States.

And the senate adjourned.

#### *Tuesday February 3.*

The military appropriation bill was read a third time, passed, and returned to the house of representatives for concurrence in the amendments.

Mr. Campbell, submitted for consideration the following resolution:

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of establishing by law the salaries of Indian agents and assistant agents.

The report of yesterday by Mr. Williams, was also taken up and agreed to.

The several resolutions yesterday offered, were taken up and agreed to, after some little amendment to some of them.

The revolutionary patriot bill was postponed to Thursday.

Several bills received their second readings in course.

And the senate adjourned.

#### HOUSE OF REPRESENTATIVES.

*Thursday January, 29—continued.*

*The case of Mr. R. W. Meade.*

The following message and documents were received from the president, and was read.

The message yesterday received, from the president of the United States, by Mr. J. J. Monroe, and read as follows:

*To the House of Representatives of the United States.*

In compliance with a resolution of the house of representatives, of the 23d of December last, requesting information relative to the imprisonment and detention in confinement, of Richard W. Meade, a citizen of the United States, I now transmit to the house a report from the secretary of state, containing the information requested.

JAMES MONROE.

*Washington January, 29, 1818.*

#### DEPARTMENT OF STATE.

The secretary of state, to whom was referred the resolution of the house of representatives of the 23d of December last, requesting the president to cause to be laid before the house, any information he may be able to communicate, relative to the imprisonment, and detention in confinement of Richard W. Meade, a citizen of the United States, has the honor of submitting to the president the accompanying papers, received at the department, on that subject; with a letter addressed to the minister of Spain, residing here since the resolution of the house, and the answer received from him.

JOHN QUINCY ADAMS.

#### MR. ADAMS TO MR. ONIS.

*Don Louis de Onis, Envoy Extraordinary, and Minister Plenipotentiary, from Spain.*

Department of State,

Washington, 26th Dec. 1817.

SIR—I am directed by the president of the United States, to invite your immediate attention, and to urge that of our government, to the case of Richard W. Meade, a citizen of the United States, who has been confined since the 2d of May, 1816, in the prison Santa Catalina, at Cadiz.

It has been repeatedly represented to your government by the minister of the United States at Madrid, that the imprisonment of this person, was

under a sentence of a tribunal at Cadiz, condemning him to pay a second time, a sum of money, which, by virtue of a prior decree of the same tribunal, he had already paid into the royal treasury. This fact has never been denied or contested by your government. It has been proved to them by the attestations and certificates of their own officers.

It was to have been presumed that, upon the first moment that such a fact was authentically presented to your government, an order would instantly have issued from it for the discharge of Mr. Meade from his imprisonment. The president regrets that after so many and such urgent representations in his behalf by the minister of the United States at Madrid, it should yet be necessary to address this call upon the most common principle of justice to you. I am instructed by him to say, that in renewing this demand for Mr. Meade's immediate liberation, he confidently expects it will not be in vain.

I pray you, sir, to accept the assurance of my very distinguished consideration.

JOHN Q. ADAMS.

#### MR. ONIS TO MR. ADAMS.

[TRANSLATION.]

*The chevalier Don Louis de Onis, to the Secretary of State.*

Sir—I received your note dated the 26th of this month, in which, by order of the president, you communicate to me what appears to have taken place in Spain, in the case of a law-suit against Richard W. Meade, a citizen of the United States, in order that I should make the necessary representations on this subject to the king my master, and solicit his release from confinement.

In compliance with the wishes of the president, and yours, sir, I shall, with great pleasure, make this request in favor of Mr. Meade, although I am not informed of the details of the suit instituted against him, nor of those which have produced his confinement.

Confiding in the just intentions of the king, and his high consideration for the United States, I must hope that his majesty will attend efficaciously to this request and use his authority in having justice promptly done to Mr. Meade, that the laws may be observed with the strictest impartiality, and no motive or pretext left to doubt of the immaculate (acendrada) purity which has ever been acknowledged as the particular attribute of the Spanish magistracy. I renew my respects to you, sir, and pray God to preserve you many years.

LOUIS DE ONIS.

Washington City, December 29, 1817.

Friday, January 30.

*Claims on Naples.*

On motion of Mr. Smith, of Md.

*Resolved*, That the president of the United States be requested to cause to be laid before the house such information, as he may possess, and which may be communicated without injury to the public interest relative to the claims of the merchants of the United States, for their property seized and confiscated under the authority of the king of Naples.

*General St. Clair.*

Mr. Oglesby, from the committee to whom the subject was referred, reported a bill for the relief of major general Arthur St. Clair; which was twice read and committed.

#### Captains Heath and Perry.

The speaker laid before the house a letter of the secretary of the navy, transmitting, in obedience to a resolution of the house, copies of proceedings of certain naval courts martial, by which captain Oliver H. Perry, and captain John Heath, of the marines, were tried.

A petition from the pew-holders, in the monumental church in Richmond Virginia, was presented to the house a few days ago, praying for the remission of duties upon an organ, imported for the said church which petition was referred to the committee of ways and means, who made a report this day adverse to the prayer of the petitioners. On Mr. Tyler's moving to reverse the report a long debate arose, but on the question being taken it was negatived.

#### Slaves and Fugitives from Justice.

The house then resumed the consideration of the bill providing for the recovery of fugitive slaves, &c. the question being on its passage.

The debate was renewed and continued until a late hour, but on taking the question it was adopted by the following vote.

YEAS—Messrs. Abbott, Anderson, Ken, Austin, Baldwin, Bassett, Bayly, Belinger, Bloomfield, Bryan, Burwell, Campbell, Cobb, Co-ston, Cook, Crawford, Desha, Drake, Eare, Edwards, Ervin, S. C. Floyd, Forney, Forsyth, Garsen, Hall, Del. Hall, N. C. Harshbrouck, Herbert, Herkimer, Hodge, Holmes, Mass. Hubbard, Johnson V. Johnson, K. Lewis, Little, Lovell, McLane, McCoy, Marchand, Marr, Mason, Mass. Meritt, Middleton, Moore, Mumford, H. Nelson, Nesbit, New, Newton, Ogden, Owen, Palmer, Patterson, Peter, Pindall, Pleasant, Poindestexter, Quarles, Reed, Rhea, Ringgold, Robertson, Ken. Robertson, Lou. Ruggles, Sampson, Settle, Slocumb, S. Smith, Ballard Smith, J. S. Smith, Speed, Spencer, Stewart, N. C. Storrs, Strother, Sturt, Tompkins, Trimble, Tucker, S. C. Tyler, Walker, N. C. Williams, N. C. Wilson, Mass.—44.

NAYS—Messrs. Adams, Allen, Mass. Allen, Vt. Anderson, Penn. Bail, Barber, Ohio, Bateman, Beecher, Bennett, Bode, Boss, Caggett, Comstock, Crafts, Culbreth, Cushman, Folger, Fuller, Gage, Hale, Hendricks, Herriek, Heister, Hitchcock, Hopkinson, Hunter, Huntingdon, Ingham, Irving, N. Y. Kinney, Kirtland, Lawyer, Livermore, W. Macay, W. P. Macay, Merrill, Morton, Murray, Oglesby, Orr, Parrott, Pawling, Patten, Rice, Rich, Richards, Savage, Scudder, Sergeant, Serbet, Shaw, Sherwood, Silsbee, Spangler, Strong, Tallmadge, Tar, Taylor, Terry, Townsend, Upham, Wallace, Wendover, Whitelaw, Whitman, Williams, Con. Williams, N. Y. Wilkie, Wilson, Penn.—69.

So the bill was passed, and sent to the senate for concurrence, and

The house adjourned.

Monday February, 2.

#### Public Lots—Location of Public Offices.

On motion of Mr. Ingham, it was

*Resolved*, That the commissioner of public buildings be directed to communicate to this house a copy of the original deed of conveyance to the trustees of the United States for the public lots in the City of Washington, and such other information as may be in his possession relating to the location of the public offices on the president's square.

*Provision of Vessels stopping at Martha's Vineyard &c. &c.*

On motion of Mr. Silsbee, it was

*Resolved*, That the committee of commerce and manufactures be instructed to inquire into the expediency of so amending the acts regulating the collection of duties on imports and tonnage as that masters of vessels which may stop for supplies, or in consequence of adverse winds or weather, at the ports of Martha's Vineyard, within the district of Edgartown, on their way to other parts of the United States, may not be compelled to make entry of their vessels, or to pay hospital money or tonnage duty at any of the ports within said dis-



trial, nor to proceed from the port at which the vessel may arrive, to any other port within that district for the purpose of making a report.

*Adjustment of Land Claims in Louisiana and Missouri.*

On motion of Mr. Robertson, of Louisiana, it was

*Resolved*, That the secretary of the treasury cause to be laid before the house the reports of the several boards of commissioners appointed for the settlement and adjustment of land claims in the state of Louisiana and territory of Missouri.

*Sale of Public Land—Emoluments of Receivers and Registers.*

A letter was received from the secretary of the treasury, transmitting two statements, the first showing the quantity of land in each district in which the public lands have been exposed to sale, the quantity which has been sold, and the quantity which remains for sale; secondly, the emoluments of the receivers and registers of the land office for four years preceding 1st October, 1817, which was referred to the committee on public lands.

*Canadian Volunteers.*

A report was received from the secretary of war, in compliance with a resolution of this house, upon the subject of land warrants issued and extra pay allowed since the third of March last under the act granting bounties in land, &c. to certain Canadian volunteers.

*General St. Clair.*

The house resolved itself into a committee of the whole, Mr. Dasha in the chair, on the bill for the relief of General Arthur St. Clair.

The bill gave rise to a discussion which occupied the committee until sun set, in the course of which the motives of the act of 1810, for the relief of general St. Clair, the act of limitations, the merits of the petitioner, the justice of his claim &c. were all brought into view, as well as the propriety of various amendments offered to the bill.

A motion, made by Mr. Forsyth to amend the bill by directing the accounting officers of the treasury to adjust the claim of general St. Clair, and allow him the principal and interest of whatever amount may appear to be due, any law to the contrary notwithstanding was under consideration, when the committee rose, and obtained leave to sit again; after which

The house adjourned.

Tuesday, February 3.

*Columbian Institute.*

Mr. Herbert, from the committee for the district of Columbia, reported a bill to incorporate the Columbian Institute; which was twice read and committed.

*Claims on Naples.*

Mr. Smith, of Md. from the committee appointed to lay before the President a resolution calling for information respecting claims for spoiliations by the Neapolitan government, reported that the committee had performed that duty, and that the President had returned for answer, that due attention should be paid the wish of the house.

*Bank of the United States.*

Mr. Forsyth laid upon the table the following resolution, the consideration of which he gave notice he should move for to-morrow:

*Resolved*, That the committee of ways and means be instructed to inquire whether the bank of the U. States is authorized by its charter to receive as pledge or security for loans made to individuals or corporations, a transfer of public debt made to the bank, or to any officers thereof, and if, in their opinion, such transfer is not authorized by the act of incorporation, to report to the house some effectual mode of preventing them from being hereafter made.

*Case of Mr. Meade.*

Mr. Trimble submitted for consideration the following resolution:

*Resolved*, That the demand made by the President of the United States upon the king of Spain for the liberation of Richard W. Meade, a citizen of the United States, detained in confinement in the castle of Santa Catalina at Cadiz, ought to be supported and enforced by vesting the President with authority to make reprisals, in the event of a failure on the part of Spain promptly to discharge the said Meade.

Mr. Trimble said he had submitted this resolution with a view of moving that it should, together with the message of the President, and the documents accompanying the same, be referred to a committee of the whole house for Friday next.—Being up, he took occasion to say, that it would appear from the documents, that the statements of the particulars of this case heretofore received through the medium of the newspapers, were substantially correct, and that the outrage on the part of the Spanish government, was as great as it had been supposed. On examination it would be found that our government, in one respect, was different from any other that had ever existed: congress alone having the power to authorize reprisals, whilst in every other government that power is vested in the executive authority. The demand made by the president, Mr. T. said, was, in his opinion, a pretty strong one; and, if Spain should refuse to comply with it, he was further of opinion, that the house was bound to enforce the demand of the executive, by clothing it with the proposed power. To bring this subject before the house, he had submitted this resolution, which he hoped would ultimately be adopted, and, he would add, in such a shape that no room should be left for secret orders or for treachery.

Mr. Lowmire said he was not prepared to express any definite opinion on this subject, not having yet examined the documents in relation to it which had been recently transmitted to the house. But he took it for granted that the case would present two questions for consideration: first, whether congress should act on it at all; and, secondly, what particular steps should be taken or powers granted to the executive. It was a matter of some importance, before acting on any particular proposition, to determine whether the house would act at all on the subject; and, this being a matter of importance, it ought to be deliberately and cautiously examined and acted on. Under this view of the subject, he suggested that it would be proper that some time should be given for consideration. He therefore thought it would be a proper course to lay the resolution on the table, not with any view to prevent the discussion of it, but that it might be taken up whenever time should have been given to look over the documents. With respect to the particular object of the resolution he should, at this

time, say nothing, being doubtful whether it contemplated authorizing the executive to issue letters of marque and reprisal in the usual form to our vessels, or a reprisal on the person of any subject or subjects of Spain.

After a few other remarks by Mr. Pitkin and Mr. Trimble, the motion to lay the resolve on the table was agreed to nem con.

#### *Drawback on Foreign Liquors.*

Mr. Lowndes, after briefly explaining the liability of the government to be defrauded of its revenue by drawbacks on the re-exportation of foreign liquors from the absence of any means of identifying them, except the marks on the casks, &c. moved the following resolution:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of making provision by law for allowing foreign wines and distilled spirits to be deposited in the stores of the government, and of limiting the drawback on exportation to such as shall have been so deposited.

The resolution was agreed to.

#### *Gen. St. Clair's Claim.*

The house then resumed the unfinished business of yesterday, and again went into a committee of the whole on the bill for the relief of general Arthur St. Clair.

The debate on the merits of this case, and on the propriety of Mr. Forsyth's amendment, was resumed and continued with increased ardor and unusual eloquence, until after four o'clock, when the committee rose by the casting vote of the chairman, obtained leave to sit again; and The house adjourned.

*Wednesday, February, 4, 1818.*

Mr. Robertson, of Louisiana, from the committee on public lands, to whom had been referred the amendments of the senate to the bill for establishing additional land offices in the territory of Missouri, reported the same with other amendments—which were agreed to by the house, and sent to the senate.

Mr. Forsyth's motion of yesterday, relative to the United States bank, receiving transfers of stock &c. was taken up and agreed to.

The speaker laid before the house a letter from the secretary of the treasury, transmitting the annual statement of miscellaneous claims paid during the year 1817, of contracts made at the treasury in the same year in behalf of the United States; and of payments by collectors in 1815, and 1816, in relation to the revenue and the temporary relief of sick and disabled seamen.

Mr. Lowndes, from the committee of ways and means, made a report on the amendment of the senate to the bill making the annual appropriations for the military establishment; which was read and made the order of the day for this day.

The house, then, on motion of Mr. Lowndes, suspended the preceding orders, and forthwith resolved itself into a committee of the whole. Mr. Bassett, in the chair, on the said report.

The first amendment made by the senate to the bill, was the insertion of a provision appropriating \$20,000 for additional pay, rations, &c. to officers having brevet commissions, when commanding separate posts, districts or detachments, requiring them to act in their brevet rank.

This amendment the committee of ways and means recommended to the house to disagree

to, and on this question the debate was revived, which had engaged the house when the bill was first introduced—embracing in its scope the expediency of continuing brevet emolument, the propriety of defeating an existing law by refusing the appropriations necessary to give it effect, &c. &c. The gentlemen who joined in the discussion, were Messrs. Lowndes, Mercer, Harrison, Clay, Smith, of Md. Terry, Hopkinson, Storrs, Colston, and Forsyth.

The question was finally decided against the senate's amendment.

The committee agreed successively to the other amendments of the senate, which produced no debate and rose and reported their proceeding to the house.

The house took up the report of the committee of the whole, and in concurring therewith, on its disagreement to the first amendment of the senate, the question was decided as follows:

For the senate's amendment—Messrs. Baldwin, Hall, Blount, Colston, Cruiger, Forney, Fuller, Harrison, Herkimer, Ingham, Irving, of N. Y. Jones, Kinsey, Lewis, Livermore, Mercer, T. M. Nelson, Ogden, Ogle, Orr, Paine, Parrott, Peter, Pindall, Polindexter, Robertson, of Lon. Seybert, Alex. Smyth, Spencer, Storrs, Turry, Williams, of N. Y. Wilson of Mass.—32.

Against the senate's amendment—Messrs. Abbott, Adams, Allen of Vt. Anderson of Penn. Anderson of Ken. Austin, Barbour, Vir. Bassett, Batesman, Bayley, Bellinger, Bennett, Bloomfield, Boden, Bos, Burwell, Butler, Campbell, Cugent, Claiborne, Cobb, Comstock, Cook, Crafts, Cuthbert, Cushman, Deane, Drake, Earle, Edwards, Elliott, Ervin, of S. C. Floyd, Fuller, Forsyth, Gage, Garnett, Hale, Hall of Del. Hall of N. C. Hendricks, Herbert, Herrick, Hewitt, Hoopes, Holmes of Mass. Holmes of Conn. Hopkinson, Hubbard, Hunter, Huntington, Johnson, of Va. Lawyer, Lynn, Little, Lowndes, McLane, W. Macley, W. P. Macley, McCoy, Marchand, Merrill, Mills, Moore, Murtin, Mosley, Musgrave, Murray, Jer. Nelson, H. Nelson, Nesbitt, New, Newton, Owsen, Patterson, Pawling, Pitkin, Porter, Quarles, Reed, Rhea, Rice, Rich, Richards, Ringgold, Robertson of Ken. Rogers, Sampson, Savage, Sawyer, Seauder, Sergeant, Settle, Shaw, Sherwood, Sibbes, Slocumb, S. Smith, Ballard Smith, Southard, Spangier, Speed, Stewart of N. C. Strong, Strother, Stuart of Md. Talimadge, Tarr, Taylor, Tompkins, Townsend, Trimble, Tucker of Va. Tucker of S. C. Tyler, Upham, Walker of Ken. Wallace, Wendover, Whiteside, Williams of N. C. Wilkin, Wilson of Penn.—125.

The remainder of the report was then agreed to; and

The house adjourned.

The legislature of New-York, commenced their annual session at Albany, on the 27th ultimo. The governor, DA WITT CLINTON, opened the session with a long, luminous and able speech, which does much credit to the author, and to the state. Its great length, and a crowd of other matter relative to the general government, which seems to claim a preference, precludes an immediate insertion; we assure our readers, however, that so valuable a state paper shall not be lost. We have in type, the speeches of the executives of the state of OHIO, KENTUCKY and INDIANA, which will be published with all possible speed. Several articles intended for this number have been excluded by the long but interesting document from the secretary of the treasury. In our next, we propose to give a valuable document from Buenos Ayres, which is now in the hands of the translator; we shall also endeavor to give the correspondence, between the secretary of state and the Spanish ministers, relative to the imprisonment of Richard W. Meade.